

REMARKS/ARGUMENTS

Claims 1, 2, 4-20 remain in this application. Claims 1, 10, 12, and 17 have been amended. Claim 3 has been cancelled. No new claims have been added.

The Examiner objected to Claim 1 because of the following informalities: in line 4, a comma "," should be inserted after "mirrors". This appropriate correction has been made by Applicants.

Applicants note that the indicated allowability of claims 1-15 and 17-20 was withdrawn in view of the newly discovered reference(s) to Moon et al 2003/0095307 A1), hereinafter Moon.

Applicants' Claims 1, 2, 4-9, 14 and 19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Moon.

Moon neither describes nor suggests ... a high fill factor MEMS array of tilting mirrors used to attenuate a plurality of wavelength channels in an optical network; and an interface control circuit controlling said array of tilting mirrors, said interface circuit receiving and storing control signals to reconfigure wavelength channel definitions wherein said control circuit and said array of

mirrors are not fabricated on the same monolithic substrate ... as recited in

Applicants' newly amended base Claim 1.

The Examiner indicated that allowable subject matter is found in Applicants' Claims 3, 10-13, 15-18 and 20. These claims are objected to as being dependent upon a rejected base claim, but the Examiner indicated they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Applicants have amended Claim 1 to include the limitations recited in Claim 3, rendering Claim 1 allowable. As such, Applicants' Claims 1, 2, 4-9, 14 and 19 are now patentably distinct over the cited Moon reference under 35 U.S.C. § 102(e).

Additionally, Applicants have amended Claims 10, 12 and 17 to include limitations of base claim 1, rendering them allowable as indicated by the Examiner.

Accordingly, Applicants contend that newly amended Claims 1, 2, and 4-20 are allowable and respectfully request a prompt Notice of Allowance.

CONCLUSION

Applicants believe that a one (1) month extension of time is necessary to make this Reply timely. Should Applicants be in error, Applicants respectfully request that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Joanne N. Pappas at 978-635-2289.

Respectfully submitted,



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